

REMARKS

Claims 27 through 61 were pending in this application. Claims 27, 31-36, 38, 40, 41, 46, 48, 52 and 53 have been amended by this Amendment so as to more clearly define the invention disclosed in this application. Claim 39 have been cancelled without prejudice or disclaimer of their (its) subject matter.

Claims 27 to 38, 40, 42 to 45, 47, 49 to 54, and 56 to 60 are rejected. Claims 39, 41, 46, 48, 55, and 61 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The examiner further stated that the methods of dependent claims 39, 41, 46, 48, 55, and 61 are allowable subject matters since the prior art of record does not teach, suggest, nor render obvious the step of moving a piston to open said first nozzle and close a second nozzle.

Regarding the examiner's points 3 to 6

Claims 31, 34, 35, 49, and 50 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 31 has been amended to more clearly define the invention. "[A] first passage way" of claim 34 has been corrected to "said first passage way". Also, "said third aroma" of claim 49 has been corrected to "said second aroma".

Withdrawal of the rejection is respectfully requested.

Regarding the examiner's point 8

Claims 27, 28, 30, 32, 36, and 38 stand rejected under 35 U.S.C. 102(b) as being anticipated by MacLean IV (U.S. Patent No. 5,771,778).

The examiner's rejection is respectfully traversed for the following reasons.

In Verdegaal Bros., the Court held that "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." (Verdegaal Bros v. Union Oil Co. of California, 814 F.2d 628 (Fed. Cir. 1987))

Here, in claims 27, 28, 30, and 32 of the present application, an aroma is selected according to the selected cooking menu. Thus, a user's appetite is stimulated while the user is waiting the food cooked. (See the specification at page 3, lines 1 to 3). In the specification, Applicants stated that the one of the object of the present invention is to provide a cooking apparatus having an aroma generating apparatus and method capable of generating aromas *corresponding to foods to be cooked*. (emphasis added, page 3, lines 10 to 12)

The MacLean IV patent does not disclose the step of selecting an aroma corresponding to said food. The MacLean IV invention includes an aromator which emits an aroma by preparing an aromatic food or holding an aromatic food. That is, while it emits an aroma *of food itself*, it does not emit an aroma *corresponding to food*.

Furthermore, in claim 27 as amended by this amendment, the step of storing a plurality of aroma sources in said cooking apparatus is incorporated. This step is not disclosed in the MacLean IV, either.

Since the step of storing a plurality of aroma sources in said cooking apparatus and/or selecting an aroma corresponding to said food is not found in MacLean IV '778, claim 27, and its direct or indirect dependent claims 28, 30, and 32 are not anticipated by MacLean IV '778.

With respect to claims 36 and 38, claim 36 has been amended to incorporate the step of controlling a movement of a piston. Since, as the examiner stated, the prior art does not teach, suggest, nor render obvious the step of controlling a movement of a piston to open one of the nozzles and close the other, claim 36 and its indirect dependent claim 38 are not anticipated by MacLean IV '778.

Withdrawal of the rejection is respectfully requested.

Regarding the examiner's point 9

Claims 27, 36, 42, and 51 stand rejected under 35 U.S.C. 102(b) as being anticipated by JP04-020716.

The examiner's rejection is respectfully traversed for the following reasons.

In Verdegaal Bros., the Court held that "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." (Verdegaal Bros v. Union Oil Co. of California, 814 F.2d 628 (Fed. Cir. 1987))

Here, claim 27 has been amended to more clearly define the present invention. In claim 27, the steps of storing, selecting and/or generating are not disclosed in JP04-020716.

At most, the aroma generated in the JP04-020716 is from the food itself. That is, the aroma is from food itself, not the aroma corresponding to the food. Also, JP04-020716 does not disclose the steps of storing a plurality of aroma sources in said cooking apparatus, and/or generating the aroma from at least one aroma source. Because each and every element as set forth in the claim 27 is not found in JP04-02716, claim 27 is not anticipated by JP04-020716.

With respect to claims 36, 42 and 51, claim 36 has been amended to incorporate the step of controlling a movement of a piston. Since, as the examiner stated, the prior art does not teach, suggest, nor render obvious the step of controlling a movement of a piston to open one of the nozzles and close the other, claim 36 and its direct or indirect dependent claims 42 and 51 are not anticipated by JP04-020716.

Withdrawal of the rejection is respectfully requested.

Regarding the examiner's point 10

Claims 27 to 32, and 34 to 38 stand rejected under 35 U.S.C. 102(b) as being anticipated by FR2,175,345.

The examiner's rejection is respectfully traversed for the following reasons.

Here, in claim 27 as amended by this amendment, the steps of storing a plurality of aroma sources in said cooking apparatus, selecting an aroma corresponding to said food, and/or generating said aroma from at least one aroma source selected from said plurality of aroma sources is not

disclosed in FR2,175,345.

At most, FR2,175,345 discloses only the step of imparting the flavor of an open-wood fire to the food. The FR2,175,345 invention is not capable of selecting an aroma corresponding to the food. Also, FR2,175,345 does not disclose the step of storing a plurality of aroma sources, and/or generating the aroma from at least one aroma source from the stored plurality of aroma sources. Since each and every element of claim 27 is not found in FR2,175,345, claim 27 and its direct or indirect dependent claims 28 to 32, 34, and 35 are not anticipated by FR2,175,345.

With respect to claims 36 to 38, claim 36 has been amended to incorporate the step of controlling a movement of a piston. Since, as the examiner stated, the prior art does not teach, suggest, nor render obvious the step of controlling a movement of a piston to diffuse the aroma, claim 36 and its dependent claims 42 and 51 are not anticipated by FR2,175,345.

Withdrawal of the rejection is respectfully requested.

Regarding the examiner's point 12

Claims 33 to 35, 40, and 52 to 54 stand rejected under 35 U.S.C. 103(a) as being unpatentable over MacLean IV (U.S. Patent No. 5,771,778) in view of Watkins (U.S. Patent No. 5,591,409).

With respect to claims 33 to 35 and 52 to 54, the examiner fails to establish a prima facie

case of obviousness for the following reasons.

To establish a *prima facie* case of obviousness, for a rejection of claims under 35 USC 103, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Third, the prior art reference (or references when combined) must teach or suggest all the claim limitations. See the MPEP 706.02(j) and 2143 and 35 U.S.C. 103. If the examiner fails to establish a *prima facie* case, the rejection is improper and will be overturned. In re Fine, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988)

With respect to the third requirement, all the claim limitations must be taught or suggested by the prior art (In re Royka, 490 F.2d 981 (CCPA 1974)) and “[a]ll words in a claim must be considered in judging the patentability of that claim against the prior art.” (In re Wilson, 424 F.2d 1382, 1385 (CCPA 1970)).

Here, even if the MacLean IV invention can emit an aroma from aromatic food itself or from the aromator, the MacLean IV invention is not capable of making the aroma corresponding to the food or the selected cooking menu. The MacLean IV invention uses a food aroma itself in one embodiment or an aromator in another embodiment. That is, in MacLean IV ‘778, the selection of an aroma, which is produced from the stored aroma sources, according to the food or the cooking menu, is not suggested or taught.

In the Watkins ‘409, Fig. 2 shows a control panel consisting of input buttons for designating

scents. However, the control panel of the Watkins '409 does not have a function of selecting an aroma corresponding to the selected cooking menu. That is, the Watkins '409 only discloses a control panel for directly designating scents.

Thus, even if the invention suggested by the examiner (i.e., the marketing system of the MacLean '778 provided with the multiple aroma sources, mixing passageways, and nozzles of Watkins '409) is made, the claimed invention would still not be taught. That is, MacLean '778 and/or Watkins '409 taken separately or in combination does not disclose the present invention claimed by claim 27 or 52. Therefore, the examiner fails to establish a prima facie case of obviousness because the examiner does not meet the third requirement for the prima facie case of obviousness (i.e., all the claim limitations must be taught or suggested by the prior art (In re Royka, 490 F.2d 981 (CCPA 1974))).

With respect to claim 40, claim 36 has been amended to incorporate the step of controlling a movement of a piston. Since, as the examiner stated, the prior art does not teach, suggest, nor render obvious the step of controlling a movement of a piston to diffuse the aroma, claim 40 which is dependent upon claim 36 is not obvious over the cited references.

Withdrawal of the rejection is respectfully requested.

Regarding the examiner's point 13

Claims 42, 43, 56, and 57 stand rejected under 35 U.S.C. 103(a) as being unpatentable over

MacLean IV (U.S. Patent No. 5,771,778) as applied above, in view of Burns (U.S. Patent No. 5, 062,272).

Applicants have presented above reasons why independent claim 36 is patentable. Because claims 42 and 43 are dependent upon claim 36, reconsideration of the rejection of claims 42 and 43 is respectfully requested.

With respect to claims 56 and 57, MacLean IV '778 and/or Burns '272 taken separately or in combination does not disclose the step of controlling claimed in claim 56.

As stated above in "Regarding the examiner's point 12", in MacLean IV '778, the selection of an aroma, which is produced from the stored aroma sources, according to the cooking menu, is not suggested or taught. Burns '272 does not disclose the step of controlling the aroma generator to produce the aroma corresponding to the cooking menu. Burns '272 only disclose the emission of the food scents. Also, there is no suggestion or modify the MacLean IV invention '778, Burns '272, or the invention made by combining the two references to make the present invention of claim 56.

Thus, even if the invention suggested by the examiner is made, all the claim limitations are not taught or suggested by the prior art. Therefore, the examiner does not establish a prima facie case of obviousness.

Withdrawal of the rejection of claim 56 and its dependent claim 57 is respectfully requested.

Regarding the examiner's point 14

Claims 44, 45, 47, 49, 50, and 58 to 60 stand rejected under 35 U.S.C. 103(a) as being unpatentable over MacLean IV (U.S. Patent No. 5,771,778) in view of Burns (U.S. Patent No. 5,062,272), as applied above, and further in view of Watkins.

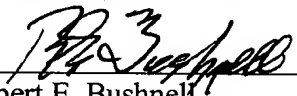
Applicants have presented above reasons why independent claims 36 and 52 are patentable. Because claims 44, 45, 47, 49, and 50 are effectively dependent upon claim 36 and claims 58 to 60 are effectively dependent upon claim 52, reconsideration of the rejection of claims 44, 45, 47, 49, 50, and 58 to 60 is respectfully requested.

In view of the above, all claims are deemed to be allowable and this application is believed to be in condition to be passed to issue. Reconsideration of the rejections and objections is requested. Should any questions remain unresolved, the Examiner is requested to telephone Applicant's attorney.

No fee is incurred by this Amendment.

Should a Petition for extension of time be required with the filing of this Amendment, the Commissioner is kindly requested to treat this paragraph as such a request and is authorized to charge Deposit Account No. 02-4943 of Applicant's undersigned attorney in the amount of the incurred fee if a check of the requisite amount is not enclosed.

Respectfully submitted,


Robert E. Bushnell,
Attorney for the Applicant
Registration No.: 27,774

1522 "K" Street N.W
Suite 300
Washington, D.C. 20005
(202)408-9040

Folio: P56299
Date: 11/18/02
I.D.:REB/JHP

VERSION WITH MARKINGS TO SHOW CHANGES MADE
IN THE SPECIFICATION

Please amend paragraph [0002] as follows:

[0002] The present invention relates to an aroma generating apparatus and method in a cooking [apparatuses] apparatus and, more particularly, to a cooking apparatus having an aroma generating apparatus and method capable of generating aromas corresponding to food to be cooked.

Please amend paragraph [0006] as follows:

[0006] This conventional microwave oven, however, is not provided with a function of supplying a food aroma corresponding to the cooking menu and removing the food aroma generated during cooking the food. Therefore, the user [can not] cannot smell the food being cooked in the microwave oven before the food is cooked. Moreover, the user feels unpleasant when smoke and gas remain around the microwave oven after cooking operation.

Please amend paragraph [0015] as follows:

[0015] The aroma generator includes an aroma storage part storing the food aroma or the removing aroma therein or a plurality of aroma storage parts storing a plurality of aroma substances which are mixed to produce the food aroma or the smell remover corresponding to the selected cooking menu, a first valve installed at an outlet port of the aroma storage parts to control the amount of each aroma [substances] substance to be mixed, an aroma diffuser having at least one diffusing

nozzle through which the food aroma or the smell remover is diffused outside or inside the microwave oven, diffusing nozzles diffusing the food aroma or the smell remover to [anyone of] either the outside of the main body [and] or the inside of the cooking chamber, an outside diffusing hole through which the food aroma or the smell remover is diffused to the outside of the main body, an inside diffusing hole formed at a sidewall of the cooking chamber to diffuse the food aroma or the smell remover into the cooking compartment.

Please amend paragraph [0024] as follows:

[0024] Referring to Figs. 1 through 4, a microwave oven 1 according to the present invention include a main body 3 formed with a cooking [compartment] chamber 5 and a component chamber 7, and an external case 9 enclosing main body 3 and defining an external appearance of microwave oven 1. In front of cooking chamber 5 is mounted a door 11 opening and closing a front opening part of cooking chamber 5, and a control panel 13 having a keyboard 15 is provided adjacent to door 11 and in front of component chamber 7.

IN THE CLAIMS

Please cancel claim 39 without prejudice or disclaimer of its subject matter, and amend claims 27, 31-36, 38, 40, 41, 46, 48, 52 and 53 as follows:

1 27. (Amended) A method in a cooking apparatus, comprising the steps of:
2 storing a plurality of aroma sources in said cooking apparatus;
3 making a selection of a cooking menu for cooking food; [and]
4 selecting an aroma corresponding to said food; and
5 generating [an] said aroma from at least one aroma source selected from said plurality of
6 aroma sources [corresponding to said food in response to said selection].

1 31. (Amended) The method of claim 30, wherein said aroma [has a characteristic removing]
2 removes a food aroma produced from the food cooked.

1 32. (Amended) The method of claim 27, further comprising the step of [providing] diffusing
2 said [an] aroma intermittently while said food is being cooked [storage unit containing at least one
3 aroma substance related to said food cooked to generate said aroma].

1 33. (Amended) The method of claim 27, [further comprising] wherein the step of generating
2 comprises the [step] steps of [providing] selecting aroma sources from said plurality of aroma
3 sources and [storage units containing aroma substances to mix] mixing the selected aroma sources

4 to [said aroma substances and] generate said aroma [related to said food cooked].

1 34. (Amended) The method of claim 27, further comprising the steps of:

2 providing a main body having a cooking chamber and a parts chamber;

3 providing an aroma storage unit in said parts chamber;

4 providing a first passageway from said aroma storage unit to an outside of said main body;

5 and

6 releasing said aroma through [a] said first passageway.

1 35. (Amended) The method of claim 34, further comprising the steps of:

2 providing a second passageway from said aroma storage unit to said cooking chamber; and

3 releasing said aroma through said second passageway.

1 36. (Amended) A method in a cooking apparatus, comprising the steps of:

2 [selecting a cooking menu] providing a cooking apparatus with an aroma generating unit;

3 producing a first aroma in [an] said aroma generating unit [according to said cooking menu];

4 [and]

5 controlling a movement of a piston disposed within said aroma generating unit, wherein said
6 piston opens one of a first nozzle and a second nozzle and closes the other;

7 diffusing said first aroma [for a predetermined time] through the opened nozzle.

1 38. (Amended) The method of claim 37, said step of [diffusing] controlling comprising the
2 step of moving said piston to open [opening] a first nozzle and close a second nozzle coupled to said
3 diffuser to diffuse said first aroma to an inside of said cooking apparatus.

1 40. (Amended) The method of claim 37, said step of [diffusing] controlling comprising the
2 step of moving said piston to close a first nozzle and open [opening] a second nozzle coupled to said
3 diffuser to diffuse said first aroma to an outside of said cooking apparatus.

1 41. (Amended) The method of claim [40] 36, said step of [opening] producing comprising
2 the [step] steps of [moving a piston to close said first nozzle and open said second nozzle] selecting
3 a cooking menu and selecting said first aroma corresponding to the selected cooking menu.

1 46. (Amended) The method of claim 45, said step of diffusing said second aroma further
2 comprising the step of moving [a] said piston to open said first nozzle and close a second nozzle.

1 48. (Amended) The method of claim 47, said step of diffusing said second aroma further
2 comprising the step of moving [a] said piston to close said first nozzle and open said second nozzle.

1 52. (Amended) A method of providing a scent from a cooking apparatus, comprising the
2 steps of:
3 storing a plurality of scent sources in a reservoir;

4 selecting a cooking menu;
5 controlling an aroma generator according to said cooking menu to select a first aroma
6 corresponding to said cooking menu and produce[;]
7 [producing a] said first aroma from at least one first scent source among the stored plurality
8 of scent sources [in said aroma generator]; and
9 diffusing said first aroma for a predetermined time.

1 53. (Amended) The method of claim 52, said step of controlling comprising the steps of:
2 selecting at least one first scent source among the stored plurality of scent sources;
3 selecting an amount of said first scent source; and
4 transferring the selected amount of said first scent source from said reservoir to a diffuser
5 disposed in said aroma generator.